



**US Army Corps
of Engineers.**

Nashville District

Public Notice

Public Notice No. 08-48

Date: August 8, 2008

Application No. 2008-00799

Expiration: September 7, 2008

Please address all comments to: Nashville District Corps of Engineers, Spring Cress Business Park, 501 Adesa Blvd., Suite 250, Lenoir City, TN 37771; (Attn: Joe McMahan)

SUBJECT: Proposed Stream Encapsulation Associated with Commercial Development at Unnamed Tributary, Isbill Branch, Tennessee River Mile 459.9, Left Bank, Hamilton County, Tennessee

TO ALL CONCERNED: The application described below has been submitted for a Department of the Army (DA) Permit pursuant to **Section 404 of the Clean Water Act (CWA)**. Before a permit can be issued, certification must be provided by the State of Tennessee, Division of Water Pollution Control, Department of Environment and Conservation (TDEC), pursuant to Section 401(a)(1) of the CWA, that applicable water quality standards will not be violated. The applicant has applied for the required water quality certification by separate application.

APPLICANT: Valley Land Company, LLC
Attn: Mr. Tommy Austin
243 Signal Mountain Road, Suite A
Chattanooga, TN 37405

LOCATION: Unnamed Tributary, Isbill Branch, Tennessee River Mile 459.9 Left Bank, Hamilton County, Tennessee, Lat N35.0185, Long W-85.3881, Wauhatchie-TN, USGS Quad Map (Exhibit A).

DESCRIPTION: The proposed work consists of encapsulating 460 feet of an unnamed perennial tributary to Isbill Branch. The purpose of the encapsulation is for the construction of a building pad for a commercial development. Upon completion of encapsulation, the existing ravine will be filled until the surrounding site grades are achieved.

Mitigation for the stream encapsulation would occur onsite and would include portions of an unnamed tributary and Isbill Branch. Proposed mitigation would consist of removing a 30' section of existing culvert in an unnamed tributary to Isbill Branch; restoring 130' of an unnamed tributary and 425' of Isbill Branch; and preservation of 700' of the unnamed tributary and southern portion of Isbill Branch.

Proposed stream mitigation including 100' riparian buffer would be protected through a perpetual deed restriction and conservation easement. Mitigation ratios were derived from the TDEC Stream Mitigation Guidelines for the State of Tennessee. The mitigation plan includes a native vegetation planting plan, success criteria, riparian buffer, reporting protocols and five year monitoring.

SUMMARY OF PROPOSED MITIGATION			
MITIGATION TYPE	MITIGATION RATIO	AMOUNT (LF)	EFFECTIVE MITIGATION (LF)
Replacement	1:1	30	30
Restoration	1.5:1	555	370
Preservation	10:1	700	70
TOTAL			470

Plans of the proposed work are attached.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the work, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the work, will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b)(1) of the CWA. A permit will be granted unless the District Engineer determines it to be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether

to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historical properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a hearing and determine the overall public interest of the proposed activity. An EA will be prepared by this office prior to a final decision concerning issuance or denial of the requested permits.

The Regulatory Branch Archeologist conducted a file search at the Tennessee Division of Archaeology (TN DOA). Based on the file search conducted at the TN DOA the Corps has determined that the project as proposed has no potential to affect historic properties eligible for listing in the National Register of Historic Places. This review constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the permit area. Copies of this notice are being sent to the office of the State Historic Preservation Officer.

Based on available information, the proposed work would not destroy or endanger any federally listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act, and, therefore, initiation of formal consultation procedures with the US Fish and Wildlife Service is not planned at this time.

Other federal, state, and/or local approvals required for the proposed work are as follows:

Water quality certification from the state of Tennessee Department of Environmental Conservation (TDEC) in accordance with Section 401(a)(1) of the CWA.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Written statements received in this office on or before September 7, 2008, will become a part of the record and will be considered in the determination.

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Any response to this notice should be directed to the Regulatory Branch, Attention: Joe McMahan, at the above address, (865) 986-7296, Fax (865) 988-4148. The email address is Joseph.A.McMahan@usace.army.mil.

If you received this notice by mail and wish to view all of the diagrams, visit our web site at: <http://www.lrn.usace.army.mil/cof/notices.htm>, or contact Mr. McMahan at the above address or phone number.

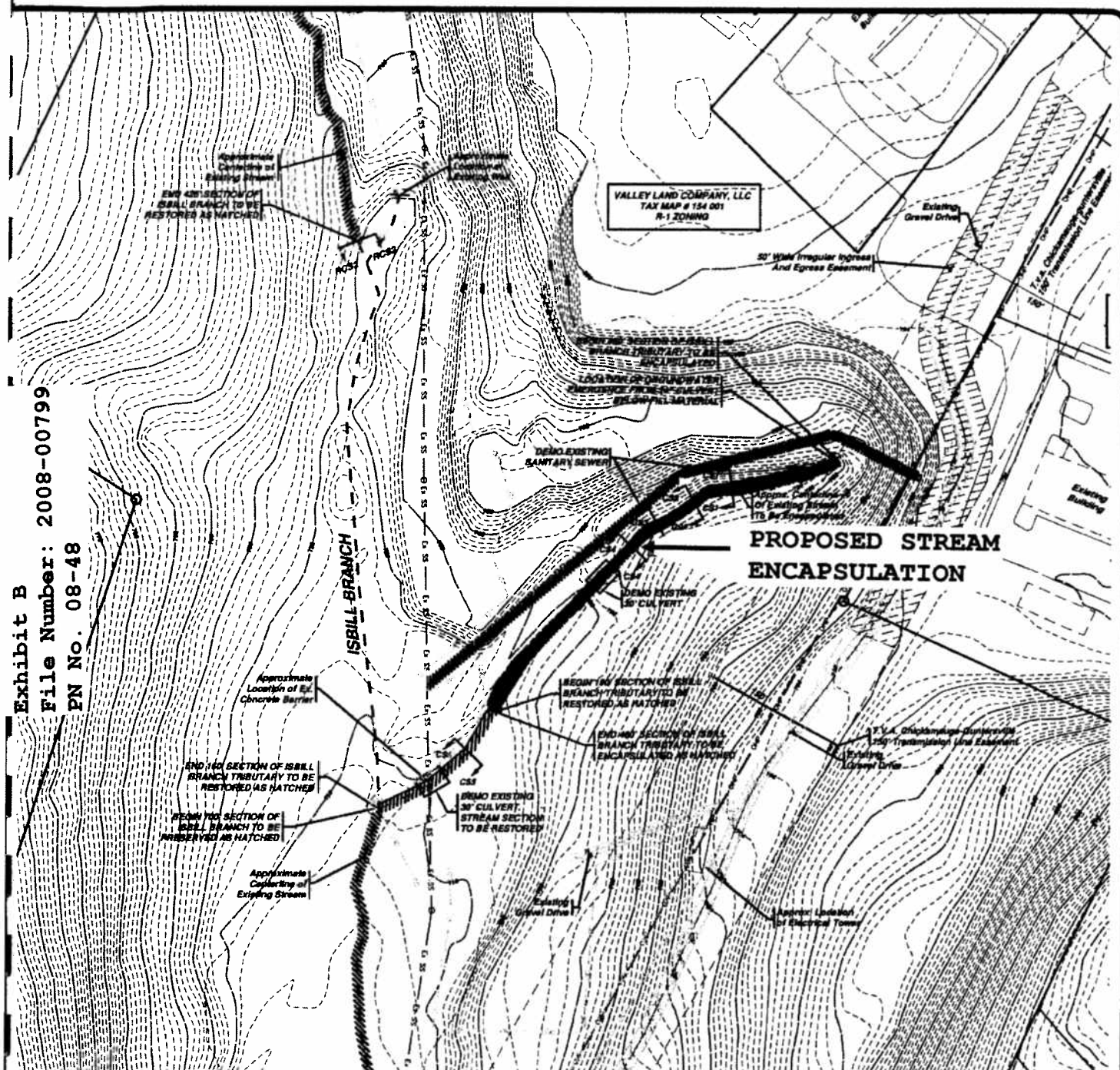
Exhibit A

File Number: 2008-00799

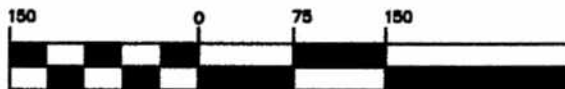
PN No. 08-48



Exhibit B



GRAPHIC SCALE



1 inch = 150 ft.



**A.D. ENGINEERING
SERVICES, INC.**

COMPLETE ENGINEERING & DESIGN SERVICES

**651 E. 4th Street, Suite 407
Chattanooga, TN 37403
PH: (423) 266-3501 FAX: (423) 266-3286**

*Proposed Site Grading
Individual ARAP
Valley Land Company, LLC
243 Signal Mtn. Rd. Suite A
Chattanooga, TN 37405
(423) 266-7708*

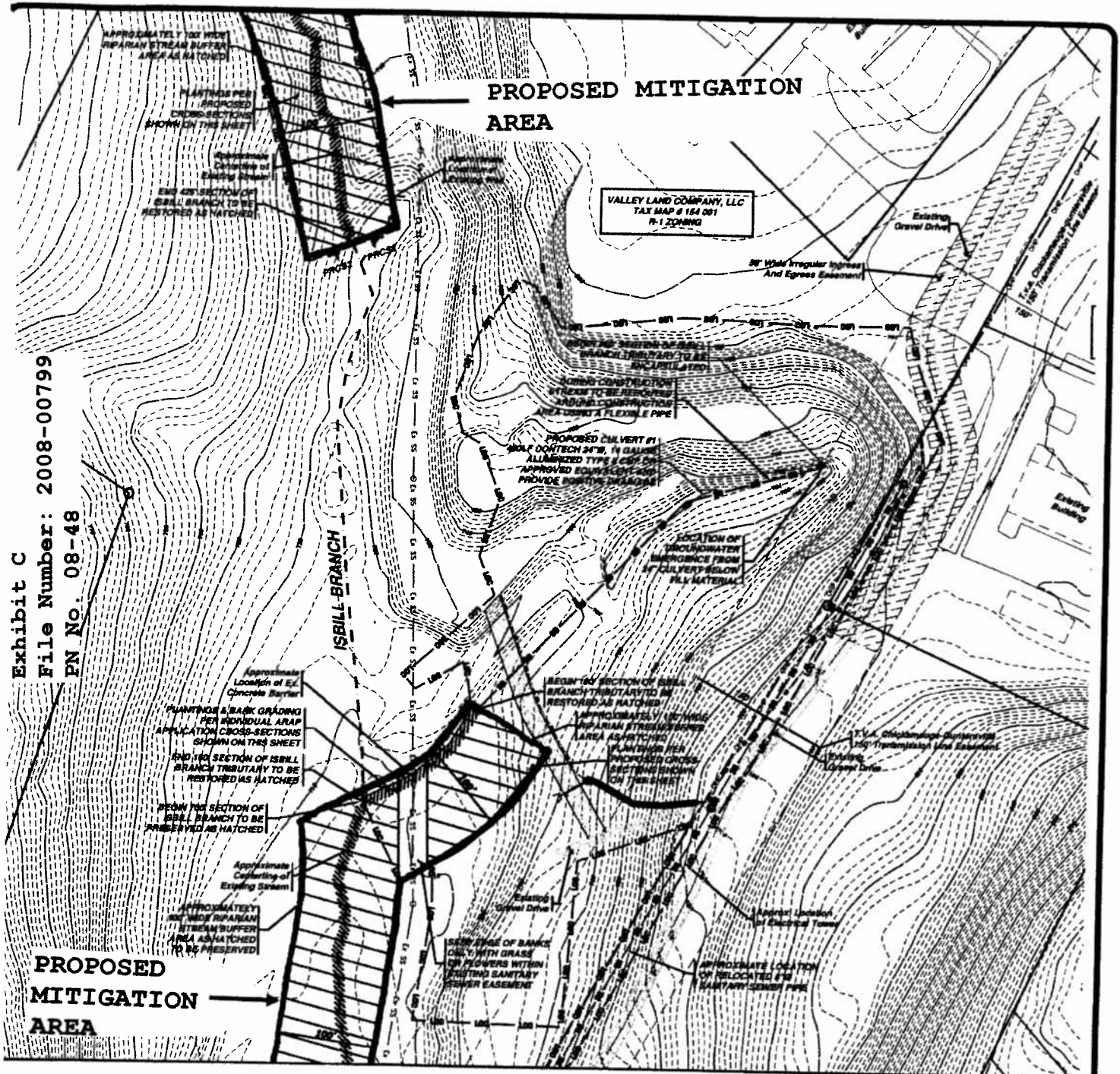
DATE: 06/09/08
DRAWN BY: BEH/MLJ
JOB NO: 08159

**EXISTING
CONDITIONS &
SITE DEMO PLAN**

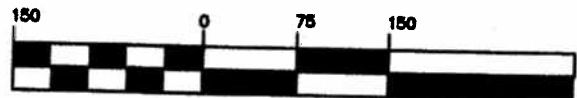
SCALE: 1"=150'
CHECKED BY: ASD
DRAWING NUMBER

C-1

Exhibit C
File Number: 2008-00799
PN No. 08-48



GRAPHIC SCALE



1 inch = 150 ft.

AD ENGINEERING SERVICES, INC.
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*Proposed Site Grading
Individual ARAP
Valley Land Company, LLC
243 Signal Mtn. Rd. Suite A
Chattanooga, TN 37405
(423) 266-7708*

DATE: 06/09/08

DRAWN BY: BEH/MLJ

JOB NO: 08159

SCALE: 1"=150'

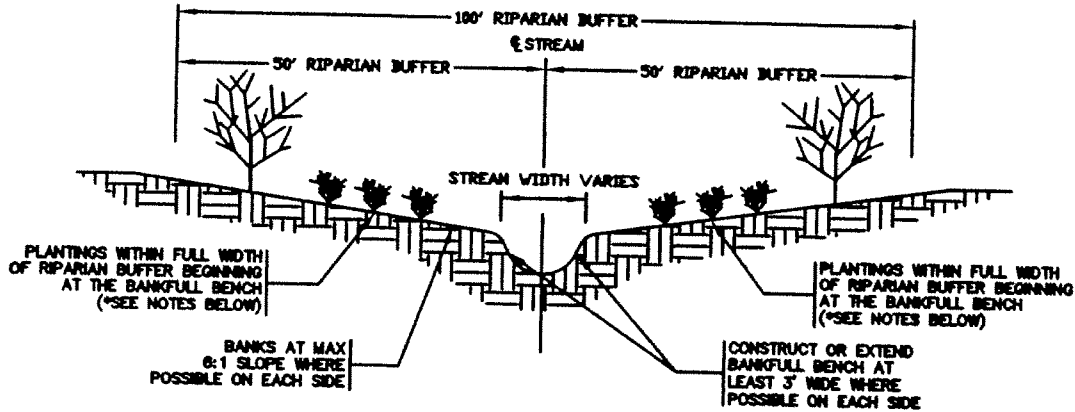
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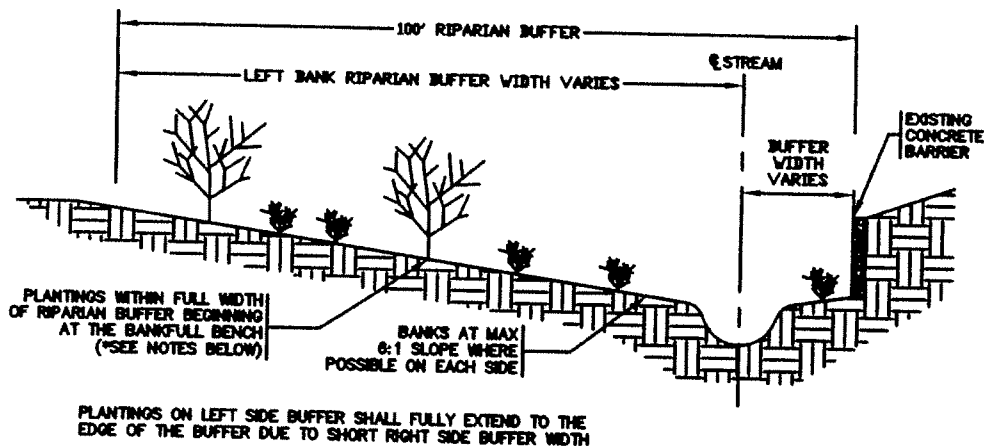
SITE PLAN

C-2

Exhibit D
File Number: 2008-00799
PN No. 08-48



PROPOSED TYPICAL RESTORATION CROSS-SECTION FOR ISBILL BRANCH
not to scale



PLANTINGS ON LEFT SIDE BUFFER SHALL FULLY EXTEND TO THE EDGE OF THE BUFFER DUE TO SHORT RIGHT SIDE BUFFER WIDTH

PROPOSED TYPICAL RESTORATION CROSS-SECTION IN AREAS WITH CONCRETE BARRIER WALL IN UNNAMED TRIBUTARY OF ISBILL BRANCH
not to scale

*** NOTES:**

1. PLANTINGS TO BE A MIXTURE OF NATIVE WOODY SPECIES PLANTED IN IRREGULAR ROWS.
2. SHRUBS AND TREES WILL BE SPACED ON 15 FEET CENTERS AND WILL ACHIEVE A DENSITY OF 300 STEMS PER ACRE.
3. ENTIRE AREA WILL BE SEEDED WITH NATIVE HERBACEOUS SPECIES. THE FINAL PLANTINGS WILL BE SELECTED FROM THE LIST OF NATIVE SHRUBS AND TREES THAT IS INCLUDED IN APPENDIX C OF THE ARAP APPLICATION.
4. THE PRECISE SEED MIXTURE WILL BE DEPENDENT UPON LOCAL AVAILABILITY.
5. A MIXTURE OF THREE-GALLON CONTAINER AND SEEDLING TREES AND SHRUBS WILL BE PLANTED.
6. NO ONE SPECIES WILL COMPRISE MORE THAN 25 PERCENT OF THE PLANTINGS.
7. PLANTING WILL BEGIN AT THE BANKFULL POINT IN EACH RESTORED STREAM SEGMENT AND EXTEND TO THE EDGE OF THE BUFFER ON EACH SIDE, WHEN POSSIBLE.
8. DO NOT PLANT TREES OR SHRUBS IN THE EXISTING SANITARY SEWER EASEMENT WHERE IT CROSSES THE UNNAMED TRIBUTARY OF ISBILL BRANCH. ONLY PLANT A MIXTURE OF SEEDS FROM THE REGIONAL NATIVE HERBACEOUS PLANTS LIST.

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Proposed Site Grading
Individual ARAP
Valley Land Company, LLC
243 Signal Mtn. Rd. Suite A
Chattanooga, TN 37405
(423) 266-7708

DATE: 06/05/08	SCALE: NONE
DRAWN BY: BEH	CHECKED BY: ASD
JOB NO: 08159	DRAWING NUMBER
TYPICAL RESTORATION CROSS-SECTIONS	Figure 3